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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,027	03/11/2004	Georg Strobl	9019-1004	4628
466	7590	12/07/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			JONES, JUDSON	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/797,027		STROBL, GEORG	
	<b>Examiner</b>		<b>Art Unit</b>	
	Judson H. Jones		2834	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 19 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 11-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>030705</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 031104</u> .                       |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Siegelman et al. 3,484,410. (On the IDS form 892 the name on this reference is given as Lencioni, Jr.) Siegelman et al. discloses an oscillating motor having a shaft 10 as shown in figure 2, a laminated rotor core as described in column 2 lines 22-28, a laminated stator core as described in column 3 lines 42-47, a stator coil 31, 32, 33, 34 as shown in figure 5, at least one permanent magnet as described in column 3 lines 42-27 and with the device using alternating current as described in column 5 lines 33-39.

In regard to claim 2, see elements 27, 28 in figure 5 of Siegelman et al.

In regard to claims 3 and 4, see Siegelman et al. column 3 lines 33-35.

In regard to claim 7, see Siegelman et al. figure 1.

In regard to claim 8, see Siegelman et al. figure 3 elements 17, 19.

In regard to claim 19, Siegelman et al. mentions a range of A.C. frequencies.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2834

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegelman et al. in view of Lonati 5,018,369. Siegelman et al. discloses the actuator but does not disclose self-lubricating or low friction material for the shaft bushing. Lonati teaches in using self-lubricating materials for bearings in column 4 lines 25 ½ to 27 ½. Since Lonati and Siegelman et al. are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized a self-lubricating material in a bearing in order to eliminate the need for an oil supply and means for pumping the oil, thus reducing the complexity and the cost of the device.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegelman et al. as modified by Lonati as applied to claim 9 above, and further in view of Higham et al. 5,146,124. Siegelman et al. as modified by Lonati discloses the actuator with the bearing sleeve made of self-lubricating synthetic material but does not disclose the material used. Higham et al. teaches in column 11 lines 18-20 that PTFE based polymers are suitable self-lubricating synthetic materials. Since Higham et al., Siegelman et al. and Lonati are from the same field of endeavor it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized PTFE based polymers as self-lubricating synthetic materials as Siegelman et al. as modified by Lonati does not specify any particular synthetic material.

***Allowable Subject Matter***

Claims 5, 6, 11-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2834

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or teach a spring having a first end fixed in a slot in the shaft in combination with the other features of claims 5 and 6. The prior art of record does not disclose or teach a special bearing providing a spring function in combination with the other features of claim 11. The prior art of record does not disclose or teach a shaft oscillating in the range between five and twenty degrees in combination with the other features of claim 18.

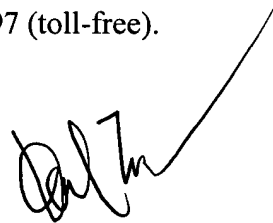
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H. Jones whose telephone number is 571-272-2025. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Judson H. Jones 12/5/2005



KARL TAMAI  
PRIMARY EXAMINER